



EXPRESS MAIL NO. EV064844089US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Neil S. Cutshall et al.  
Application No. : 10/015,861  
Filed : December 12, 2001  
For : PHARMACEUTICAL USES AND SYNTHESIS OF  
NICOTINANILIDE-N-OXIDES

Art Unit : 1614  
Docket No. : 240083.514  
Date : May 21, 2002

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Commissioner for Patents:

This is in response to the *Notice to File Missing Parts* mailed on March 21, 2002, in the above-identified application.

This *Notice* states that the oath or declaration was missing from the papers filed with the application on December 12, 2001, and requires that the Applicants now submit the oath or declaration, along with a surcharge fee of \$130.00, in order to avoid abandonment of the application.

Adjustment Date: 06/06/2002 HTEKLEMI  
06/05/2002 HTEKLEMI 00000003 191090 10015861  
01 FC:105 130.00 CR

A *Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76)* was filed with the application's Application Data Sheet using PTO Form Number PTO/SB/01a (10-00). This is evidenced by the enclosed true copies of the following:

1) *Utility Patent Application Transmittal* (PTO Form No. PTO/SB/05), which was filed with the application, wherein the box for enclosing a newly executed (original) *Declaration* is checked; and

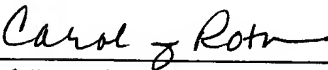
2) the Return Postcard, wherein the *Declaration* is listed as one of the documents that was filed with the application.

A true copy of the fully executed *Declaration* as filed with the application is enclosed herewith.

Accordingly, Applicants respectfully request that the *Notice to File Missing Parts* be withdrawn, including the imposition of the surcharge fee in order to avoid abandonment of the application.

If the foregoing reasons and enclosed evidence are deemed insufficient to overcome the necessity to adhere to the requirements set forth in the *Notice to File Missing Parts*, Applicants hereby authorize the payment of the late declaration surcharge fee of \$130.00 (for the requisite enclosed copy of the *Declaration* and Applicants' copy of the *Notice*) from Deposit Account No. 19-1090.

Respectfully submitted,  
Neil S. Cutshall et al.  
Seed Intellectual Property Law Group PLLC

  
\_\_\_\_\_  
Carol J. Roth  
Registration No. 32,783

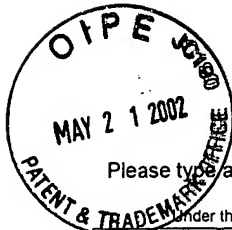
Enclosures:

Copy of the *Declaration* (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76)

Copy of the *Utility Patent Application Transmittal* (PTO Form No. PTO/SB/05)

Copy of the Return Postcard

Applicants' copy of the *Notice to File Missing Parts*



m.m

5-24-02

MP

EXPRESS MAIL NO. EV064844089US

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**(To be used for all correspondence  
after initial filing)


Application Number	10/015,861
Filing Date	December 12, 2001
First Named Inventor	Neil S. Cutshall
Group Art Unit	1614
Examiner Name	
Attorney Docket No.	240083.514

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input checked="" type="checkbox"/> Copy of Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>Copy of Return Receipt</u> <u>Postcard; Copy of PTO/SB/05;</u> <u>Copy of Notice To File Missing</u> <u>Parts of Nonprovisional</u> <u>Application</u>
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual Name	Carol J. Roth	 00500 PATENT TRADEMARK OFFICE
Signature	Carol J. Roth Reg. No. 32,783	
Date	May 21, 2002	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name		
Signature		Date:

Please type a plus sign (+) inside this box: ☐

EXPRESS MAIL NO. EV064844089US

PTO/SB/05 (11-00)

App. use through 10/31/2002. OMB 0651-0032. U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	240083.514
	First Inventor	Neil S. Cutshall
	Title	PHARMACEUTICAL USES AND SYNTHESIS OF NICOTINANILIDE-N- OXIDES
	Express Mail Label No.	EL487808845US

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 76]  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 1]
5. Oath or Declaration [Total Sheets 1]  
a. ☒ Newly executed (original)  
b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in  
the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence  
Submission (if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. ☐ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies
9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement ☒ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C.  
122(b)(2)(B)(i). Applicant must attach form  
PTO/SB/35 or its equivalent.
17. ☒ Other: Check for \$1212.00

## ACCOMPANYING APPLICATION PARTS

18. If a CONTINUING APPLICATION OR APPLICATION CLAIMING FOREIGN PRIORITY, check appropriate box, and supply the  
requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) ☒ Claims priority from provisional application  
No. 60/258,730 filed 12/29/00


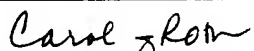
Prior application information

Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

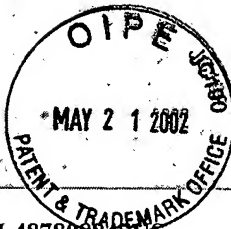
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or  
declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or  
divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a  
portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Correspondence address below		or:		<input checked="" type="checkbox"/> Customer Number or Bar Code Label	
Firm Name				 <b>00500</b> PATENT TRADEMARK OFFICE	
Address					
City, State, Zip					
Country					
Telephone		Fax			
Name (Print/Type)	Carol J. Roth		Registration No. (Attorney/Agent)	32,783	
Signature			Date	December 12, 2001	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount  
of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND  
FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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EXPRESS MAIL NO. EV064844089US

Express Mail No. EL487808645US

240083.514

Filing Date *AS*  
Stamp

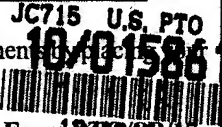
CR1:mlo *[Signature]*

SENT: December 12, 2001  
NEW APPLICATION

Box Patent Application  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**PLEASE STAMP WITH APPLICATION NO. AND RETURN**

Kindly acknowledge receipt of the below-listed documents by  
receiving stamp hereon and mailing:



Check No. 18646 for \$1212.00; Form PTO/SB/05; Form *2712/81* 17  
(+ copy); Application Data Sheet; Spec., Claims, Abstract  
(76 pages); Declaration: Election and Power of Attorney;  
Statement; Form PTO-1595; Assignment; in re: Neil S. Cutshall et  
al., for PHARMACEUTICAL USES AND SYNTHESIS OF  
NICOTINANILIDE-N-OXIDES

Application  
Number

D:\NrPortbl\Manage\MICHELLEO\241691\_1.D\IC SEED INTELLECTUAL PROPERTY LAW GROUP PLLC



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Page 1 of 1

UNITED STATES PATENT AND TRADEMARK OFFICE

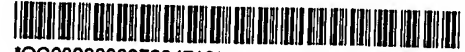
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/015,861	12/12/2001	Neil S. Cutshall	240083.514

00500  
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 6300  
SEATTLE, WA 98104-7092

CONFIRMATION NO. 2603

FORMALITIES LETTER



\*OC000000007684718\*

RECEIVED  
MAR 26 2002

Date Mailed: 03/21/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

Adjustment date: 06/06/2002 MTEKLEMI  
06/05/2002 MTEKLEMI 00000003 191090 10015861  
01 FC:105 130.00 CR*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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01 FC:105 130.00 CH